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17 **UNITED STATES DISTRICT COURT**
18 **NORTHERN DISTRICT OF CALIFORNIA**
19 **SAN FRANCISCO DIVISION**

20 DARREN CORNELIUS STANLEY,
21 Petitioner,

22 vs.

23 KEVIN CHAPPELL, Acting Warden,
24 San Quentin State Prison,

25 Respondent.

) Case No: C07-4727-EMC

) **DEATH PENALTY CASE**

) **REVISED STIPULATION AND**
) **~~[PROPOSED]~~ ORDER RE:**
) **TRANSFER OF PETITIONER FOR**
) **BRAIN MRI –SCAN TO MARIN**
) **MAGNETIC IMAGING**

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28 Case No. C07-4727-EMC
Revised Stipulation and [Proposed] Order Re:
Transfer of Petitioner for Brain MRI-Scan

1 WHEREAS, on July 31, 2012, the Court issued a Stipulation and Order re: Transfer of
2 Petitioner to Marin General Hospital for Brain MRI [Doc. 64]. The transfer could not be
3 completed as anticipated, and the parties subsequently agreed to transfer Petitioner to Marin
4 Magnetic Imaging for the MRI instead. However, prison policy requires that the Court order
5 specify the exact name of the location the prisoner is to be transferred. Accordingly, the
6 parties enter into this revised stipulation, subject to the approval of the Court, that:

8 1. Upon the filing of this Order, San Quentin State Prison shall arrange for the
9 transportation of Petitioner to Marin Magnetic Imaging, 1260 South Eliseo Drive, Suite 101,
10 Greenbrae, California, 94904, (415) 461-9033, at a date and time set by mutual convenience
11 to both prison and hospital, but no later than seven (7)-days after the filing of the Order.
12

13 2. San Quentin shall not seek reimbursement from Petitioner's counsel for any pre-
14 security clearance visit or site-inspection tour of Marin Magnetic Imaging. Petitioner's
15 counsel agrees to reimburse the prison for its transportation costs. The parties agree that,
16 aside from any pre-security clearance or site-inspection costs, the prison or Respondent shall
17 not bear any of the costs associated with the transfer or the medical testing.
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19 3. Respondent does not object to the issuance of a Transfer Order, provided that
20 Petitioner shall disclose to Respondent a copy of the brain MRI if Petitioner seeks to present
21 expert testimony based upon it in the course of these competency proceedings (Fed. R. Civ.
22 Pro. 26(a)(2)(B)(ii)). Petitioner's counsel shall have ten (10)-days after receipt of the
23 radiologist's report and MRI brain scan to determine whether to provide such evidence to the
24 experts, for their consideration in connection with the determination of Petitioner's
25 competency, and such production shall be considered timely under the Court's Order Setting
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Dated: September 20, 2012



CERTIFICATE OF SERVICE

Case Name: **Darren Cornelius Stanley v. Kevin Chappel,** No. **C07-4727-EMC**
Acting Warden

I hereby certify that on September 19, 2012, I electronically filed the following document with the Clerk of the Court by using the CM/ECF system:

REVISED STIPULATION AND [PROPOSED] ORDER RE: TRANSFER OF PETITIONER FOR BRAIN MRI-SCAN TO MARIN MAGNETIC IMAGING

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the United States the foregoing is true and correct and that this declaration was executed on September 19, 2012, at San Francisco, California.

Roger I. Teich
Declarant

/s/ Roger I. Teich
Signature